

# POLITICAL CRIME PARADIGM IN LEGAL PERSPECTIVE IN INDONESIA (PHILOSOPHICAL JURIDICAL STUDIES IN THE VIEWPOINT OF MICHEL FOUCAULT)

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# POLITICAL CRIME PARADIGM IN LEGAL PERSPECTIVE IN INDONESIA (PHILOSOPHICAL JURIDICAL STUDIES IN THE VIEWPOINT OF MICHEL FOUCAULT)

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## ABSTRACT

*Politics is defined as a space to express aspirations, political manifestations are described as perfect crimes or political crimes that provide space to maintain continuous power relations. Indonesia has experienced political crimes in the New Order period, this study aims to explain political crimes from a legal perspective in Indonesia. The research method is qualitative with a juridical-philosophical approach and the source of information is validated by data triangulation techniques. The results of the study explain that political crimes in Indonesia are post-criminal and make the proposition of Pancasila to maintain continuous power so that the authoritarian regime is difficult to collapse, with Michel Foucault's model providing the possibility to normalize positivism to undermine the power and provide legal certainty for politics.*

**Keywords:** Political Crime, Michel Foucault, Indonesia

## INTRODUCTION

Scientific studies, whether social, legal, criminological or sociological on crime and social phenomena that intersect with crime, of course will never be completed until this world is declared to be ending by God Almighty. Evil existed and began to be created since Adam and Eve<sup>1</sup>, Then rooted in other humans and considered a biological inheritance, humans are very close to evil. Citing various results of scientific studies from criminologists, crime is a problem as old as human civilization. Along with the passage of human life, crime is always present to complement the drama of human life.

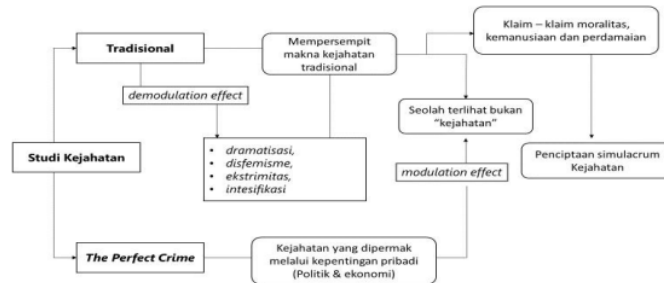
Currently in the era of postmodernism, rejection of modernism or a normal scale of life, crime is no longer hiding behind sharp objects (knives, daggers, swords). Still, crime is increasingly perfect for sneaking behind oversized clothes, official masks, State buildings, Universities, even Professors can commit crimes.

Evil exists because there is a human effort to always manifest power and on the other hand the separate happiness of one group, to be able to place a weak and suffering position for the happiness of certain groups.<sup>2</sup> Because of such a position, power is always a reason for humans to make mistakes in measuring themselves.

Crimes from day to day are increasingly being carried out by humans, not only humans or ordinary people who can commit crimes with the model of murder, theft, rape. State officials commit more perfect crimes, educated groups, educated and even with the title Professor. Borrowing Jean Baudrillard's term this<sup>3</sup> is often referred to as the perfect crime, which is a crime that hides perfectly behind power so that it can never be known and proven, it hides subtly behind images that are deliberately formed to personal interests even though in practice it is said to be in the common good or humanity.

Yasraf Amir Piliang<sup>4</sup> Interpreting the theory of Jean Baudrillard, that the perfect crime is a crime that hides behind the accusation of a crime against another party (the simulacrum of violence), but all of this is done by using situations and conditions, as well as playing language subtly under various guises so that true motive is unknown. The values of morality, humanity, and peace are problems that are often used as a cover for subjective needs.

The main key of the perfect crime is; dramatization, dysphemism, extremism, intensification of news coverage and the display of signs and images of other parties' crimes in various propaganda media, have created a modulation effect on other parties' crimes, and on the other hand it has reduced the effect (demodulation effect) of the signs and images of the crime itself.



**FIGURE 1**  
**CRIME STUDY MODEL ACCORDING TO MICHEL FOUCAULT**

Studying the discourse on today's crimes does not seem to exist, but hides behind the masks of the personalities of the officials. Political crime is just one example that grabs attention in this study, namely crimes committed by the ruling elites with their respective powers.

Today, crime with a political dimension is a manifestation of the perfect crime as described by Jeand Baudrillard. So as to produce a legal reality, sometimes the imagination is false, for the sake of power and personal interests, so that political crime is always present and surrounds every artefact of official life along with the dramatization of daily life, as if it looks busy with the interests of the people, even though they are looking for loopholes. the people, are focusing on setting strategies for when people fall asleep, are managing a sizeable part of the people's suffering for their official trips, even funds for Covid-19 are also being manipulated as if it were true, even though it is vile. That is the simulacrum of political crimes, he always puts his position above the people's interests.

To borrow the French philosopher George Bataille's phrase, "The world is nothing more than a parody". The reflections of Bataille, everything that appears in this life, is a parody that contains allusions to every event of life. However, lately, satire is aimed at something other and a parody of oneself. The travesty that occurs is laughing at the people, as if the funds for Covid-19 have been given, even though the anti-corruption agency already knows what the real conditions are, this is the biggest part of political crime. Crimes committed by officials, rulers for personal pleasure, family and class only.

Political crimes will always exist and make their personal space invisible when the ruling group tries to defend its power in various ways from pressure from other groups, showing persistent patterns and tendencies<sup>5</sup>. Corruption for example is part of a political crime, it is always carried out by abuse of authority, personal and group gain, deviating from norms and morals, carried out in the concept of a public office setting<sup>6</sup>.

Officials who engage in corruption act as if they are playing a role, even though their salaries, allowances, and income have exceeded the cost of a day's life, but there are reasons for this, this tendency is persistent, he is always arrogant towards situations that seem to crush hopes and feelings. to always confine power to his control. Again to borrow George Bataille's term, it's as if everything has a new "gravity and satellite system", which is a parody and competitor of the universal gravitational and satellite system. It is as if the office is the gravity for power, and the satellite for greed for wealth.

Political crime is not as if the cause of crime itself, but the biggest root is that it is carried out through the knowledge and power possessed by officials or political elites. The terms power and knowledge are a way of thinking or the result of thinking from Michel Foucault<sup>7</sup>.

The author is interested in substituting a variety of social, cultural, philosophical thoughts with legal politics with the hope of finding legal policies that are integrated with the interests of the community at large, or at least have the power of discourse to be able to compete with social or political discourse.

It is interesting to look at the thoughts and ideas of power and knowledge from Michel Foucault. Before Foucault focused on his thinking on the concept of power (power). He is just trying to dissect the archaeology of knowledge systems, and it can be said that he has not looked at Nietzsche's thinking.

The word 'power' is translated with *pouvoir* and the word *la puissance* as Michel Foucault's book. Exploring the meaning or definition of power (Indonesia) is certainly not much different from power in the sense of power (English) or German (*Macht*), which is often understood as power. Power always presupposes that some people become rulers (political officials, administrative officials, teachers, lecturers, rectors, clerics, priests) and others are controlled (society, students, students, etc.) while the understanding of power by Michel Foucault is very neutral. Foucault also admits that the word power can lead people to the notion of domination because there are people who control others and are controlled. The use of power like this is very one-sided, in the sense that there are weak parties who are always suppressed and there are strong and influential parties who always dominate others.

Inspired by the above, the author will conduct a study with Michel Foucault's knife of analysis. In his simple research, power and knowledge will always be close to politics. All become perfect crimes with dimensions of intimacy with power, as if there is a romance between crime and politics due to the substitution of power and knowledge.

The author's interest in Michel Foucault is "the spirit of the times" (*zeitgeist*), at this time the law is old and old, so that its hands and feet are no longer able to be gradual in the midst of the shock of civilization, it is necessary to support the continuity of the law, a total and simultaneous spirit that desires changing, deconstructing, and parodying the universe, and creating a counter universe in the form of material culture in the form of commodities.

Political crimes that occur today are patterns and trends that persist and will occur following changes, are common questions from every observer of political change. Political crime studies are part of the study of political instability (knowledge), especially those that look at the behavioural reality around the attraction of power (power), and those related to the use of criminal law as a formal standard of behavior.

Criminal law and various conventions concerning human rights in this case function as normative parameters regarding whether or not certain behavior has been carried out, to what extent and for what purpose, by one party in the context of the political change process. How the ruling governments actually behave excessively towards something that claims power, then becomes the center of attention of this study.

## METHODS

The writing of this simple paper departs from prescriptive optics which starts from standard norms, then tries to think using deductive-inductive logic. Research with a Juridical-Philosophical approach that will be used as the basis for analyzing are; Positive Legal Norms, Jurisprudence (court decisions that already have permanent legal force), and Doctrine (scholar opinions).

The strength of this research lies in the use of qualitative methods in the field of law. This data analysis tool uses data triangulation, a data checking technique that utilizes other appropriate data outside the data for checking purposes or compared to the data obtained<sup>8</sup>. The goal to be achieved by triangulation is to check the correctness of certain data by comparing it



with data obtained from other sources, at various phases of field research, at different times, and by using different methods. Triangulation is not only assessing the truth of the data, but also investigating the validity of the data, therefore triangulation is reflective.

Reflective nature can be categorized as snowballing, so the choice of sources of information in data acquisition ends when there is no longer any indication that new information appears<sup>9</sup>. Data validity. The collected data is checked by triangulation, namely checking the validity of the data using something other than the data for checking purposes or as a comparison<sup>10</sup>.

The triangulation technique used is source triangulation, which compares and checks back the degree of trustworthiness of information obtained through different times and tools in qualitative methods. This can be achieved by:

- 1) Comparing observational data with interviews
- 2) Comparing what people say in public with what is said in private.
- 3) Comparing what people say about the research situation with what people say all the time
- 4) Comparing a person's situation and perspective with various opinions and views of people such as ordinary people, people with middle, high education, wealthy people, government people.
- 5) Comparing the results of interviews with the contents of a related document.

By using source triangulation, it is hoped that the information obtained can be cross-checked, so that its accuracy can be tested. By conducting cultural analysis, the model in the data analysis method in this study is an interactive model which includes four stages of data collection, data reduction stage, data testing stage and verification or conclusion drawing.

## RESULTS AND DISCUSSION

### Paradigm of Political Crime, Power, and Knowledge

#### Power (Power)/Knowledge (Knowledge) in the View of Michel Foucault

The writer's interest is in the matter of 'power' from the perspective of French philosophy which leads to Michel Foucault. The study authors claim that Michel Foucault is a philosopher and a post-structuralist theorist who studies history using archaeological and genealogical approaches<sup>11</sup>. In addition to discussing episteme structures, the regime of truth is dominant in each era. In its history, it is told that Michel Foucault also discusses the relationship between knowledge and power, which is about how the discourse that disciplines humans causes people in institutions such as prisons, hospitals, military barracks, schools, and so on to interpret what is allowed and what is not allowed.

Michel Foucault, is widely recognized as one of the most influential thinkers in the Western intellectual tradition<sup>12</sup>. Its influence is felt to this day. Its influence, for example, on the study of (Hollinshead 1994) (Labone 1996); (Rojek 1992); (Urry 1990). These existing studies, however, interpret power in very general terms and Michel Foucault's concept of power has been exploited in the wrong way. This paper does not focus on the postmodernist thesis and instead focuses intensively on Foucault's power. This necessitated an interest in Foucault more as a political scientist than as a philosopher, social historian, or transdisciplinary figure. His interest in power is embodied clearly in his studies of topics as diverse as insanity, criminal punishment, and sexuality. In short, Foucault is stimulated to reexamine how power is ubiquitous and centralized in institutions<sup>13</sup>.

Discussing power is an interesting thing that has never been discussed, even this category has been born since Cain killed Abel. Whoever is in power then he has the right to win, that's power. In human life throughout the ages, whether in the end or now, what is clear from the beginning of human life is power has always been the actual theme to be discussed.

Based on the archeology of knowledge born of the great idea of Michel Foucault,<sup>14</sup> he has a special interest in the use of science and reason as instruments of power, especially in the

areas of medicine and criminology. In particular, Michel Foucault wants to find the basic conditions that allow a discourse or discourse to take place. Michel Foucault had and developed a special interest in madness, discipline and power. Michel Foucault is known as the originator of discourse theory (discourse) which pays special attention to the sociology of the body, namely how power in an era is related to the definition of the body. Foucault's works discuss how social and cultural conditions influence in defining the body with a natural, universal character, which depends on time and place,

To interpret power (power) and knowledge (knowledge), it is a necessity, that in it there are 3 (three) levels of relations, namely contact, relation and interaction. Contact is a form of relationship that is only fleeting and not deep in quality. Relationship is a pattern that connects the two parties which is quite deep. At this level, asymmetrical relations are often found which result in interdependence, because the related parties are not on an equal footing. While the interaction is a form of relationship that is very familiar. In the interaction already contained a balanced relationship. At this level, relations are highly presupposed in relations between humans or nations.

Michel Foucault the basic ideas of his thinking can not be separated from one another, between power (power), discourse (discourse), and knowledge (knowledge) are inseparable aspects. Terminology episteme, in Michel Foucault's thought, means a deep epistemological correlation, between various branches of science that developed at a certain time and period. In relation to the last four centuries of the history of European thought, Michel Foucault divides it into three kinds of episteme: Middle Age episteme, Classical episteme and Modern episteme.<sup>15</sup>

The real relation is that Michel Foucault inherits the knowledge base that may only develop outside the realm of power (power) between knowledge and power, in fact there is a mutually developing relationship, there is no practice of exercising power that does not give rise to knowledge and no knowledge which does not contain power relations.<sup>16</sup>

What must be underlined is that power is everywhere, therefore power can be found in all areas of human interaction, from family, politics, economy, social, religion and so on. There is a doctrine that power can give birth to knowledge, no matter how stupid a teacher, lecturer, or professor is. If he has the power to express one language after another, then his expression will be considered knowledge worthy of being imitated and used as a guide. We can test this relation, whether educator certification (both for lecturers and teachers) is the main reflection of intelligence. I'm worried that the certification is just procedural, to get allowances from the state (rupiah purses), then after the procedural completion, will science advance.

It is very amazing that Michel Foucault can read the development of the times, until this moment the relationship he has built is the tendency to struggle between power and knowledge. We must remember that the current century is just a camouflage to destroy the previous civilization by not understanding the essence of what happened before. What it means, the knowledge produced today is a power relation that was built in the past. Today is the power of the past, which was built by knowledge from power, and so on will be like this.

We take one example from the results of Michel Foucault's research on the history of the madman, namely about those who were rejected by society, succeeded in revealing the formations of language and discourse that had created the concept of the other party (the other) for this matter, he used genealogical descriptions. When someone is crazy, then there is an element of power (power) to say that he is crazy, when there is evil, then there is an element of power (power), that he is a criminal.

### Political Crimes Use of Power for Knowledge

To put it simply, political crime is a crime whose perpetrators are politicians, bureaucrats, officials and even political scientists, lecturers, professors and teachers. When the Lecturer or Teacher tells students/students to come to their house and bring something when they want to take an exam, it is a form of political crime. The teacher/lecturer plays the power (power) in this case, so that knowledge cannot be denied anymore, so what is given by the

teacher/lecturer at home is not a test, but a language game, don't think too far political crime. This is an opening that political crimes can occur on various fronts, the author's heart actually argues, but this is the truth that must be voiced.

Political crimes exist and occur because of the accumulated power, the lecturer is the holder of power over the power of the students. Whatever the sound, students will obey. There is a relationship in it, on the one hand wanting to graduate, on the other hand taking advantage of the situation, is that not a political crime?, this simple way of thinking, the power is held by the lecturer/teacher, then students will follow what is said. Likewise, with doctors who give prescriptions to patients, writing is not easy to understand, the price is so high, because for health, does the patient refuse?, is it not a political crime if only, there are doctors who give prescriptions beyond expectations, and the price is above the ability the patient in question.

Power is the main jargon that must be attached when political crimes are born. Opportunities for the new concept of power (the new power), as an alternative in analyzing the condition of society (social groups) in the space and time of late modernity. In the past, power was cruelty, but now power is a form of subtlety. This opportunity was initially successful in demonstrating the important distinction between the concepts of power and domination (which began to intertwine at least since the late 1960s through the work of Talcott Parsons, and was institutionalized starting in the 1970s through the work of Anthony Giddens and Michelle Foucault, among others).<sup>17</sup>

Power in the form of domination is a form of power covering something or someone. Furthermore, he formulated transformative politics in the current era of late modernity. He points to the concept of the public sphere (public sphere), citizenship (citizenship), and social movements as the embodiment of power in the form of empowerment. Here comes the power to something or someone, which even the lower layers can have.

State of the art from the emergence of the concept of power over achieves goals through resource mobilization. This kind of definition of power expressly appears in Talcot Parsons' thought, that power is parallel to authority (the holder of power), so that it has legal and legitimacy values to impose desires on others, even if that person does not want it. Talcot Parsons places power in an AGIL social structure (adaptation, goal attainment, integration, latency), while Anthony Giddens places power and authority into social interactions. In social interaction, agency is dependent on the wider social structure, but in the context of that dependence, the agency can also construct new structures.

Power is the ability to act or command so that it can cause others to act, including the ability to understand the situation and determine the right kind of power to respond to the demands of the situation. In more succinct terms, power is the ability to establish dominance in the public sphere in the realm of authority. There are 3 theories to see how power works in society, namely pluralist theories of power, elite theory, and ruling class theory.

The power that develops and is born as a result of political activities is at least divided into 4 (four) models.

- 1) Volunteer model; This model places rational choice as an instrument to approach power, emphasising cost and benefit logic. The central figure of this model is Robert Dahl and the Newtonian analogy in seeing power. Dahl frames violence as a capacity to influence others to do what he wants. In this case, the community must freely access the reasons for choosing while other options are rejected. So that the community itself will also determine how the style and shape of the future will be in accordance with its wishes. While Newtonian put power as a stimulus of an action.
- 2) hermeneutic model; a model that assumes that power is the result of a victory over the struggle for meaning in a social community. In accordance with the study of meaning, hermeneutics tends to focus on the variety of norms and symbols that make up the practical rationality of social agents;
- 3) Structuralist model based on Marx's idea of class.
- 4) Post modernism model rooted in the thinking of Michel Foucault and feminism. This model has the assumption that power has been based only on experience and the epistemology of masculinity. According to feminists, the concept of power must also include areas of feminist epistemology that have been neglected so far. This is based on Foucault's thinking that social agents emerge and operate in various power relations in which they participate, and women are also one of these social agents.



Pluralist theory rejects the existence of a single power. Therefore power is seen as something that can be freely exchanged and spread so that this power is entitled to be enjoyed by all actors. Thus, there is no single group that can dominate other groups in a society because of the **system of checks and balances in** building a system of democratization.

L'etat c'est moi (country is me),<sup>18</sup> is a symbol of power that was first uttered by Louis XIV. This jargon had colored the life of the Southeast Asian political stage. The color was briefly seen in the political landscape in North Korea (a suburban socialist country) and Ferdinand Marcos in the Philippines (a suburban capitalist country). Analysts then saw that political jargon in the past for some countries changed to L'etat c'est ma famille (that country is my family). The Philippines under Ferdinand Marcos, Indonesia under Suharto's New Order era and Iran under the Shah of Iran Reza Pahlavi, are often referred to by academics as the "family state" phenomenon with the pattern of eastern despotism or eastern autocracy.<sup>5</sup> Here, it seems that the jargon "res publica" (sovereignty of the people) has been defeated by L'etat c'est moi and L'etat c'est ma famille.<sup>19</sup> Pluralist theory is included in the voluntary model, when power is seen as something that is spread and free so that all actors can enjoy it. This is in accordance with the voluntary model thinking that uses the basic individual to influence other individuals from an action reaction. Although power is spread and can be enjoyed by all actors, power does not necessarily come by itself. There needs to be a stimulus and that will happen between the actors interacting with each other, so that from here comes the action and reaction actions taken by these actors.

Pluralist theory can also be seen through the hermeneutic model when there are actors who appear to dominate power in the arena. The emergence of actor dominance is the result of the struggle for meaning in the social community that exists in society. How actors are able to manage the discourse that is present in the social community. When he is able to manage discourse in influencing other actors, it can indirectly increase his power to dominate his community.

Elite theory or elite theory is a group of power that is able to impose its will on society. So that power is only held by certain groups (elite). Elite is a group of people who are chosen because they have advantages over others so that they have influence and can influence others.

According to Pareto elite group is a small group of individuals who have the best qualities that can reach the center of socio-political power. Elites are successful people who are able to occupy high positions in society. Pareto's thinking is included in the hermeneutic model because every actor tries to occupy a high position in society and place himself in an elite group. This is done by fighting for individual or group power, both within the social community and more broadly.

## **Power (Power) and Knowledge (Knowledge); Political Crime Paradigm Shift**

### **Power Relations in the Indonesian Democratic System**

One thing that cannot be stated in the Criminal Code or other positive laws is that political crimes that are spread both within the Criminal Code and outside the Criminal Law are only part of it. The rest is even more significant, namely crime is getting political, politicization in crime, crimes committed by politicians. Jeand Baudriland called it the perfect crime, Professor from ITB – Indonesia called it post-criminality.<sup>20</sup> Current academic issues seem to reveal that political crime is a condition of postcriminality, namely a crime condition whose appearance is in the form of a simulation, namely a simulation of crime. That is, a crime that is able to cross the real reality. To put it simply, corruption is not like corruption, it is present like Robin Hood, with the proposition of Pancasila, Pluralism, but in fact it is "Corruption". reality is real. If the real definition is what can be tasted, what can be smelled, what can be seen and what we feel, then what is real from all of that is only electrical signals that are translated by our brains.



There is one thing that must be underlined; skepticism over the reality of the world arises when the boundaries between the original and the fake are getting blurry, when reality is transformed into hyperreality, the confusion of signs will emerge. A simple example of hyperreality is that in watching television news, television displays a portrait as if it were reality whereas hyperreality means that the whole event has actually been reduced to pieces of reality as if it were a representation of reality.

When evil unites with power, it will find the perfect place to hide. That is, crime is getting neater, more structured, it can perfect itself through real life. Behind paper masks, SK (Decree), even Undang - laws, crimes will always exist and emerge hedonic. This is the current condition of Indonesian people, who always commit political crimes or political crimes in the shadows of simulations and simulacra.

I personally think that political crimes are currently building distortions of reality, sign-free games, distortions of meaning, and all meanings. Multiple interpretations, afflicting the people, lulling students through shallow reason. The new world of reality is referred to as a post-reality condition, a condition in which the principles of reality have been transcended, in the sense that they are taken over by their substitution, created artificially with the help of the latest science, technology and art, which has destroyed conventional assumptions about what is called the real.<sup>21</sup>

Within this configuration of society, there is a fundamental change in legal discourse (legal discourse), especially as a result of the operation behind legal discourse in various forms of media, communication, and imaging technology (Imagology), which allows legal discourse to produce various legal products in the form of sign (sign) and image (Image). Imagology in legal discourse has opened up space for the production of signs and images, in the form of a legal simulacrum, namely legal signs and images that are distorted, distorted, and false, but are claimed to be representations of legal reality and truth.<sup>22</sup>

This condition is the biggest part of the legal simulacrum namely a legal world formed by language games and games of image in a special form, namely ironic and absurd forms. Legal discourse is filled with game tricks and disinformation, in which true information and false information are deliberately mixed up to create an information disturbance.

Borrowing the term of Jean Baudillard, a postmodernist who is very deep into hyperreality, namely Baudillard's two main concepts are simulacra and simulation, simulacra is defined when something imitates, copies, duplicates, or reproduces something else as a model. This simulacra (plural simulacrum) still bases its representation on the object, simulation is the next stage of simulacrum where when something appears without representing another object, in other words it is a true simulacrum where the object does not duplicate something as its reference model but duplicates itself.

Regarding the above, Michel Foucault said "power does not always work through repression and intimidation, but first through rules and normalization". All rules and laws are not first seen as the result of the provisions of certain leaders or institutions, but as a synthesis of the power of each person born by agreement. All rules that are born because of a common consensus have more power in living together. This concept is the foundation of democratic power in Indonesia. Indonesia does not need an authoritarian leader in making decisions and exercising power, but based on a common consensus. In that togetherness, each individual is in the mechanism and strategy of power.

The purpose of the power mechanism is to shape each individual to have the dedication and self-discipline to become a productive person. Indeed, a human being is given space to think (use common sense), develop and be free to express his aspirations for mutual progress. Each individual in togetherness is not passive and apathetic, but is given space to convey elegant ideas for mutual progress.

I personally tend to use the jargon that political crimes are perfect crimes committed by the State. Between state, power (power), crime, politics and knowledge (Knowledge) among all, there are no boundaries anymore. Between the ruler and his power have been united, so that the crime is more perfect.

Political power and political knowledge, these two things become jargon as benchmarks for the birth of a new era of political crime. Whereas as above, political crimes are born because of power, knowledge. This is of course located and spread outside the Criminal Code and other Laws. State rulers/officials plunder state assets while hiding behind the throne of their power, judges stealing state money, while taking cover behind their big toga in the name of law, police robbing people's rights, while taking cover behind their badge. It is these masks of evil that become the attention of political crimes with a new dimension. Yasraf Amir Piliang, called this condition a crime like an acting film.

## CONCLUSION

The author's hope is very simple with the existence of this scientific publication, as it is common knowledge that history tells that relations and interactions between democratic actors are only able to overthrow authoritarian regimes. These actors cannot enforce and consolidate democracy. The experience of the New Order regime noted that the movement to overthrow authoritarianism was simultaneous, sporadic and democracy staggered. The writer wants to destroy these jargons and have their own social value when the author shifts slightly from normalizing positivism to social, political possibilities, and undermining legal certainty with Michel Foucault's model.

## FOOTNOTES

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12. Dreyfus, H & P. Rabinow, Michel Foucault: Beyond Structuralism and Hermeneutics. Chicago: Harvester, University of Chicago Press, 1982.
13. Michel Foucault, *The Minitial Self. Interview with S. Riggins*, In: L.D.Krtizman(editor), Politics, Philosophy, Culture: Interviews and, 1982, pp: 103.
14. Michel Foucault, *Two Lectures*. "In: C. Gordon (editor), Power/Knowledge: Selected Interview and Other Writings 1972-1977, pp. 78-108. New York: Pantheon Books, 1980. In Michel Foucault's thought, Archaeology is understood as a means of critical analysis to uncover the relationship between power and knowledge in discourse. He uses the term discourse to describe knowledge-based ways of thinking and acting. Foucault views power unlike the Weberian (Max Weber), namely the subjective ability to influence others. Power is also not interpreted as the Marxians (Karl Marx) as a material artifact that can be controlled and used by a certain class (the bourgeoisie) to dominate and oppress another class (the proletariat).
15. Etienne Balibar, The Confrontation of Michel Foucault and Marx: Criticism of the Repression Hypothesis, Praxis, and Conflict Structure, BASIS Number 01-02, 51st Year, January-February 2002, p.

- 58-60. For Michel Foucault, each fragment (rupture) of the episteme has its own system of thought that is different from one another, at least in terms of concepts and methods. The archeology of knowledge gets each position, tasked with uncovering the deepest and hidden elements. Episteme (perhaps) is a collection of relations that connects oral practices with knowledge in its various forms in certain historical periods. Episteme is a hidden system behind the dominant knowledge at a certain time. This hidden system is regarded as unifying, in its deepest reality, to a particular civilization and, certain period. Episteme is a prerequisite for the emergence of knowledge and theory. So, it is the hidden background behind knowledge; episteme is a basic structure that is beyond history. In short, it is a global knowledge structure, with its holistic nature. It is considered as the basic network of laws that govern knowledge, methods, understanding, and methods of analysis.
16. There are similarities between Michel Foucault and Jacques Lacan with regard to language. Michel Foucault says that speaking is not the subject, but the linguistic structure and language system. While Lacan asserts that the path that has been pioneered by Freud has no meaning other than that, the subconscious is language. They seem to understand the language broadly. The significance of language in Michel Foucault's study is seen in his work *Madness and Civilization*, which examines the symbols created by the relation of power to knowledge. Social practice provides the mechanism by which power relations operate.
  17. Angus, Stewart, *Theories of Power and Domination: The Politics of Empowerment in Late Modernity*, Sage Publications. London, 2001.
  18. King Louis XIV's classic phrase, "L'etat c'est moi" ("The state is me") can be derived by rulers in the East with the model of the family state, showing the despotism of the "old" regime which is the personification of the state. However, some civil society still remembers the views that are contrary to Eastern despotism: "I love my country more than my family, but I love humanity more than my country," said Francois Fenelon, a French intellectual.
  19. Karl A. Wittfogel. *Oriental Despotism, A Comparative Study of Total Power*, New Haven: Yale University Press 1957. Wittfogel mentions the Eastern despotism of hydraulic civilization as happened to the totalitarianism of Russia and China, which threatens the future of Western civilization. "Wittfogel's great concern with despotism as the social policy of "hydraulic civilizations" is, however, more than just a new point of view which differentiates between feudalism and the "hydraulic society." By claiming marginal and sub-marginal extensions of Oriental despotism over a large part of Asia and into the heart of Europe by Chinese and Russian totalitarianism, he finds the whole of Western "industrial" civilization and even the future of mankind itself endangered".
  20. Yasraf Amir Piliang, *Posreality: Cultural Reality in the Age of Psmetaphysics*, Op cit: 168.
  21. Yasraf Amir Piliang, *Posreality: Cultural Reality in the Age of Psmetaphysics*, Op cit: 168.
  22. Yasraf Amir Piliang, *Posreality: Cultural Reality in the Age of Psmetaphysics*, Op cit: 168.
  23. Simulacrum is "something that appears or is made to look like something else, a kind of copy, replica, imitation, and reproduction of something else as a model. Simulacrum is a copy of a copy, namely an icon that has been degraded into a low similarity, or even completely different from the original. Check: Yasraf Amir Piliang, 2004, *The Folded World: Sightseeing Beyond Cultural Boundaries*, Yogyakarta: Jalasutra, p. 385.
  24. Konrad Kebung, SVD, Michel Foucault; Parrhesia and ....., Op. Cit., p. 121.
  25. Haryatmoko, *Political Ethics and Power*, Op. Cit., p. 22.

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